

1 WALTER H. SWAYZE III, ESQ. (*pending pro hac vice*)

Pennsylvania Bar No. 0059101

Pete.Swayze@LewisBrisbois.com

LEWIS BRISBOIS BISGAARD & SMITH LLP

3 550 E. Swedesford Road, Suite 270

Wayne, PA 19087

4 TEL: (215) 977-4089

FAX: (215) 977-4101

5 DARRELL D. DENNIS, ESQ.

6 Nevada Bar No. 006618

Darrell.Dennis@lewisbrisbois.com

7 LEWIS BRISBOIS BISGAARD & SMITH LLP

6385 S. Rainbow Boulevard, Suite 600

8 Las Vegas, Nevada 89118

TEL: 702.893.3383

9 FAX: 702.893.3789

10 BRANDON D. WRIGHT,ESQ.

Nevada Bar No. 13286

Brandon.Wright@lewisbrisbois.com

LEWIS BRISBOIS BISGAARD & SMITH LLP

12 5555 Kietzke Lane, Suite 200

Reno, Nevada 89511

13 TEL: 775.827.6440

FAX: 775.827.9256

14 Counsel for Defendants, DJO Global, Inc.

Encore Medical L.P. d/b/a DJO Surgical

DJO, LLC

16 UNITED STATES DISTRICT COURT

17 DISTRICT OF NEVADA

18 DEBRA GREGOIRE

CASE NO. 3:20-cv-00077-MMD-CLB

19 Plaintiff,

20 vs.

21 BIOMET, INC.; BIOMET
ORTHOPEDICS, LLC, F/K/A BIOMET
22 ORTHOPEDICS, INC.; DJO GLOBAL,
INC.; ENCORE MEDICAL, L.P. D/B/A
23 DJO SURGICAL; DJO, LLC.

STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO F.R.C.P. 41
(a)(1)(A)(ii)

24 Defendants.

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to this
26 Stipulation, Plaintiff and DJO Global, Inc., and their respective counsel, that the above-captioned
27 action is voluntarily dismissed, without prejudice, against the Defendant, DJO Global, Inc.,
28 pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(ii). It is further stipulated and agreed

1 that the undersigned counsel for DJO Global, Inc. agrees that DJO Global, Inc. will not raise any
 2 statute of limitations defense(s) for the causes of action stated in Plaintiff's First Amended
 3 Complaint should Plaintiff seek to timely amend her Complaint to join DJO Global, Inc. at a later
 4 date during the pendency of this litigation. The Parties agree that DJO Global, Inc. does not waive
 5 or release any statute of limitations defenses which could have been asserted prior to the filing of
 6 the original Complaint (ECF No. 1). The Parties further agree that should Plaintiff move to amend
 7 to add the dismissed party, DJO Global, Inc., Plaintiff will move to amend in advance of the
 discovery cutoff date or equivalent discovery deadline.

<p>8 Dated this 28th day of May, 2020.</p> <p>9 HUTCHISON & STEFFEN, PLLC</p> <p>10</p> <p>11 <u>/s/ Devon T. Reese</u> DEVON T. REESE Nevada Bar No. 7496 JASON D. GUINASSO Nevada Bar No. 8478 ALEX R. VELTO Nevada Bar No. 14961 500 Damonte Ranch Parkway, Suite 980 Reno, Nevada 89521 <i>Attorney for Plaintiff</i></p>	<p>8 Dated this 28th day of May, 2020.</p> <p>9 BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.</p> <p>10</p> <p>11 <u>/s/ W. Roger Smith, III</u> W. ROGER SMITH, III WESLEY CHADWICK COOK RYAN J. DUPLECHIN 218 Commerce St. Montgomery, Alabama 36104 <i>Counsel for Plaintiff (Pro Hac Vice Pending)</i></p>
<p>12 Dated this 28th day of May, 2020.</p> <p>13</p> <p>14 LEWIS BRISBOIS BISGAARD & SMITH LLP</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 <u>/s/ Brandon D. Wright</u> DARRELL D. DENNIS Nevada Bar No. 006618 BRANDON D. WRIGHT Nevada Bar No. 13286 5555 Kietzke Lane, Suite 200 Reno, Nevada 89511 <i>Counsel for Defendants, DJO Global, Inc. Encore Medical L.P. d/b/a DJO Surgical DJO, LLC</i></p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>12 Dated this 28th day of May, 2020.</p> <p>13</p> <p>14 LEWIS BRISBOIS BISGAARD & SMITH LLP</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 <u>/s/ Walter H. Swayze, III</u> WALTER H. SWAYZE, III Pennsylvania Bar No. 0059101 550 E. Swedesford Road, Suite 270 Wayne, PA 19087 <i>Counsel for Defendants, DJO Global, Inc. Encore Medical L.P. d/b/a DJO Surgical DJO, LLC</i></p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>26</p> <p>27 ///</p> <p>28 //</p>	

1 IT IS SO ORDERED.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

5/29/2020
DATE